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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,414	06/16/1999	CLAUDE BASSO	FR9-98-041	5315

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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 08/11/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/334,414

Applicant(s)

BASSO ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims **18** and **25** are objected to because of the following informalities: in claim 18, line 2, and claim 25, line 2, the word "transmit" should be changed to "transit" for blocked transmit type field and blocked transit identifier field. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims **27** and **28** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter of a computer readable media containing instructions for execution in a processor and electromagnetic signals propagating on a computer network comprising electromagnetic signals carrying instructions for execution on a processor is not supported by the specification and one skilled in the relevant art could not define the claimed subject matter as inherent to the system.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims **1,5,6,10,11, 13, 15, 16, 19, 20,23-24, 26** are rejected under 35 U.S.C. 102(e) as being anticipated by Dugan et al. U.S. 6,078,586.

Regarding claims **1, 6, 11, 13, 16, 17, 19-20, 23-24, 26**, the claimed first and second data networks interconnected by at least two links not supporting routing protocol are anticipated by ATM users connected to public and private networks using UNI links and NNI links where UNI and NNI are two different routing signaling protocols. See Figure 2.

The claimed plurality of switching nodes interconnected by connection lines and including end switching nodes each being connected to at least a Data Transmission equipment is anticipated by a shared ATM network (Figure 3, element 110) comprising a plurality of ATM switches (element 120a-g) interconnected by connection lines and including a customer site (elements 115a) as source node and customer sites (elements 115-b-f) as destination nodes. The

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claimed exchange of data between source DTE and destination DTE by means of at least two links not supporting routing protocol is disclosed by communication between customer site (Figure 3, element 115a) and customer site (element 115e) transmitted through UNI link between source customer site (element 115a) and ATM switch (element 120a) and between ATM switch (element 120d) and destination customer site (element 115e) and transmitted through PNNI+ link between ATM switches (elements 120a, 120e, 120d).

The claimed method of crank back procedure where node receives clearing message on one of links indicating that setup message has been rejected because best route is blocked and crank back information element to be added to clearing message in order to find an alternate route avoiding the portion of route which is blocked is disclosed by setup message being sent from customer (Figure 7, address B.1.1.6) and switch (X.2.2) being congested or interface (X.2.2.3) failing thus call attempt for customer site (B.3.) is rejected and switch (X.2.2) cranks back the setup message to ISP node (Z.2), ISP node (Z.2) returns revised setup message (SETUP+) and network completes call via alternate link (X.2.3.4) to destination. See column 9, lines 51-62.

Regarding claims 5, 10, 15, 22 links being UNI links are anticipated by connection lines being UNI as shown in Figures 3, 5-7.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims **2-3,7-8,12, 18, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Soncodi U.S. 6,111,881. The claimed crankback information element including a blocked transit type which can be "preceding", "node" or "succeeding", a blocked transit identifier depending on blocked transit type and a crankback cause is disclosed by release message including a failure transit type field specifying whether failure point is a node or link which is consistent with the blocked transit identifier defined in conventional crankback and also includes a failure transit identifier field. See column 9, lines 55-67 and column 10, lines 1-11. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include failure transit type and failure transit identifier field in the crankback information element. One of ordinary skill in the art would be motivated to do this in order to identify faulty node or link for proper routing through an alternate route.

3. Claims **4, 9, 14, 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan et al. in view of Rochberger et al. U.S. 6,208,623. The claimed links being IISP links are disclosed by Rochberger where ATM networks use IISP routing in combination with PNNI routing. See column 7, lines 53-61. Also see Figure 3. At the time the invention was made, it

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would have been obvious to a person of ordinary skill in the art to use IISP links. One of ordinary skill in the art would be motivated to do since IISP is a call routing scheme that can be used to route connections around link failures.

Response to Arguments

4. Applicant's arguments filed 5/16/2003 have been fully considered but they are not persuasive. Examiner appreciates Applicant's detailed description of the prior art.

Applicant argues reference Dugan does not disclose at least two links not supporting protocol connected to first network. Examiner contends, in light of claim language, reference Dugan discloses network using a routing protocol of the type and at least two links not supporting routing protocol. Dugan discloses exchange of data between customer site (Figure 3, element 115a) and another customer site (element 115e) transmitted through UNI link between source customer site (element 115a) and ATM switch (element 120a) and between ATM switch (element 120d) and destination customer site (element 115e) and transmitted through PNNI+ link between ATM switches (elements 120a, 120e, 120d).

Applicant argues Dugan does not disclose exit border node connected to the at least two links, exit border receiving clearing message from second network indicating a rejection of best route, generating a crankback information element in response to clearing message, adding crankback information element to clearing message and forwarding clearing message and crankback information element to entry border node. Examiner contends Dugan et al. disclose setup message being sent from customer (Figure 7, address B.1.1.6) and switch (X.2.2) being congested or interface (X.2.2.3) failing thus call attempt for customer site (B.3) is rejected and switch (X.2.2) cranks back setup message to ISP node (Z.2) where the ISP node returns a revised

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setup message taking into account information about blocked switch or interface failure (SETUP +) and network, now informed of it has to find a new best route, completes call via alternate link (X.2.3.4) to destination. See column 9, lines 51-62. Therefore rejection is maintained.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Melanie Jagannathan
Patent Examiner
AU 2666

MJ 
August 7, 2003



DANG TON
PRIMARY EXAMINER